

SPECIAL MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE TOWN HALL, 8635 CLINTON STREET
IN SAID TOWN ON WEDNESDAY, AUGUST 5, 2020
AT 6:00 P.M.

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting. The meeting took place in the Town Court Room due to the COVID 19 pandemic.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Highway/Sewer Superintendent Richard C. Sherman
Human Resource Department Barbara Schwenzfeier
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young
Deputy Clerk I Melody K. Fancett

Thereafter, the Supervisor declared a quorum present for the transaction of business.

PUBLIC HEARING

6:00 P.M.	Local Law Introductory "B" of 2020 Stop Sign on Viburnum Lane & Ironwood Road Creating a 4 Way Stop Sign at the Intersection
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At 6:00 P.M. the Town Supervisor opened the Public Hearing on the petition to create a 4 way stop sign at the intersection of Ironwood Road & Viburnum Lane. The Town Attorney had available the Notice of Public Hearing, Proof of Publication (July 23, 2020, edition of The Observer Dispatch), and Affidavit of Posting. The purpose of the Hearing was to offer the citizens an opportunity to speak for or against, or to comment upon the placing of 2 additional stop signs as 2 signs already existed creating a 4 way stop sign as a whole, or any part thereof. The Supervisor then introduced the Town Attorney Herbert J. Cully.

Town Attorney Herbert J. Cully spoke on the purpose of the Public Hearing which was to deal with a petition signed by over 70 residents in the specific area of Ironwood Road & Viburnum Lane. The residents' petition was for posting two additional stop signs making the intersection of Ironwood Road & Viburnum Lane a 4 way stop sign as two signs already existed.

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Town Attorney Cully explained that the Town Board would have to enact what's called a Local Law and that Local Law would amend the Town of New Hartford Code to provide the installation of those additional signs. He continued to say that most everyone is aware the signs had already gone up and that was because the Supervisor Miscione had extreme concern for the area children who were all home due to COVID.

Town Attorney Cully explained that at the last Town Board Meeting, which was public a few individuals had come out and were strongly against the fact those signs had already gone up. He told the residents that the Town Board had all seen the petition and they also know that over 70 people wanted these stop signs. Town Attorney Cully spoke on the letters that was presented to the Town Board by Mr. Donovan who was against the signs and also by Mr. & Mrs. Ennace for the need for the sign. He continued to say that since that time Eva Pearlman Brindisi has submitted a long, detailed letter itemizing all her concerns and she also provided photographs of the intersection stating the need for the additional signs.

Town Attorney Cully asked the residents in attendance to show hands who were there in favor of the stop signs and it was unanimous. No one was present that was against the stop signs. Town Attorney Cully invited Eva Pearlman Brindisi to speak as she asked to address the Town Board and then anyone else who would like to comment.

Local Law Introductory "B" of 2020-ADOPTION:

Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the placement of two additional stop signs at the intersection of Ironwood Road and Viburnum Lane making it a four way stop sign,

FURTHER RESOLVED: The Town Board of the Town of New Hartford does amend the Town Code, Chapter 113.41 Section, vehicles and traffic by adopting Local Law Introductory "B" of 2020 as Local Law No. one of 2020.

The following persons came forth:

Eva Brindisi Pearlman: Gave an introduction of her length of residency on Viburnum Lane and read her letter which is attached as "Exhibit A".

Mrs. Lazzaro who resides at the intersection of Ironwood & Viburnum spoke on behalf of her husband Paul Lazzaro, her children and herself. She was in favor of the signs, expressed concern for the children's safety and reiterated Mrs. Brindisi Pearlman's comments, and her letter is attached as exhibit "B".

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Town Attorney Cully read three Facebook comments from Julie Venezio from Ironwood, John Madia from Juniper Lane & James Picolla who were all in favor of the signs.

There being no one further to speak in the matter, Councilman Messa moved to close the Public Hearing at 6:34P.M. And it was seconded by Councilman Lenart.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Town Supervisor declared the Local Law Introductory "B" of 2020 unanimously carried and duly *ADOPTED as Local Law No. one of 2020.*

Thereafter, Councilman Messa moved, and Councilman Miscione seconded that Local Law Introductory "B" of 2020 be adopted as Local Law No. One of 2020 in the following format:

Local Law No. One of 2020

Town of New Hartford, NY

A Local Law to amend the Code of the Town of New Hartford, Section VII, Chapter 113-41 Stop Intersections there entitled "VEHICLES AND TRAFFIC", by adding one (1) stop sign on Ironwood Road, facing eastbound, and one (1) stop sign on Ironwood Road, facing westbound then would create a four-way stop intersection.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend,

SECTION 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

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The Town Supervisor declared the Local Law unanimously carried and duly *ADOPTED*

EXECUTIVE SESSION

Councilman Reynolds introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby move to enter into Executive Session to discuss a pending tax certiorari proceeding.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

Thereafter, the Resolution was declared unanimously carried and duly *ADOPTED*. The Town Board, along with the Town Attorney, excused themselves from the Board room at 7:44 P.M. for the Executive Session.

END OF EXECUTIVE SESSION

Councilman Reynolds then offered the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby move to end its Executive Session at 7:56 P.M. and to reconvene the regular portion of the Town Board meeting.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

Thereafter, the Resolution was declared unanimously carried and duly *ADOPTED*.

ADJOURNMENT

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There being no further business to come before the Town Board, upon motion of Councilman Woodland and seconded by Councilman Reynolds, the meeting was adjourned at 7:58 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk

By: Melody K. Fancett, Deputy Clerk I

EXHIBIT "A"

CERTIFIED LETTER FROM EVA BRINDISI PEARLMAN – ATTACHED

EXHIBIT "B"

STOP SIGN PETITION & LETTER FROM RIANNA LAZZARO & FAMILY

EXHIBIT "C"

PUBLIC HEARING SIGN ATTENDANCE SIGN IN SHEET

EXHIBIT "A"

CERTIFIED LETTER FROM EVA BRINDISI PEARLMAN – ATTACHED

EXHIBIT "B"

STOP SIGN PETITION & LETTER FROM RIANNA LAZZARO & FAMILY

EXHIBIT "C"

PUBLIC HEARING SIGN ATTENDANCE SIGN IN SHEET

Melody K. Fancett

From: Miscione, Paul
Sent: Saturday, July 18, 2020 6:03 PM
To: Melody K. Fancett; Inserra, Michael S.; Schwenzfeier, Barb; Sherman, Richard C.; Richard Lenart; Woodland, Richard; Dave, Reynolds; James Messa; Cully, Herb
Subject: Document - Jul 18, 2020
Attachments: Doc - Jul 18 2020 - 5-57 PM.pdf; ATT00001.txt

Scanned with TurboScan.

I have attached the petitions which includes 73 people in favor of the stop sign out of 92 household neighborhood. I also included an email that was sent to me in the package. There are so 11 people that are in favor with the stop sign but did not open the door due to the coronavirus but said they will send a letter in for me to the Townhall for review. I did have three people against it they would not sign the petition either way.

STOP SIGN PETITION

Total
4 pages
73 names

We, the undersigned residents of south woods
do hereby petition the Town of New Hartford to install a four way STOP SIGN at the
intersection of Viburnum Road & Iron Wood RD.

	NAME (Signature)	ADDRESS	Agree	Disagree
1	Woody Venuta	4 Silver Birch Ct.	✓	
2	John Doe	5 JUNIPER LANE	✓	
3	Andrew Benigno	10 VIBURNUM PLACE	✓	
4	Valerie Benigno	10 Viburnum Pl	✓	
5	Holly Kralj	12 Ironwood Rd	✓	
6	Colt	12 Viburnum Pl	✓	
7	Shirley	71 Alder	✓	
8	Sam Jones	1 Viburnum Place	✓	
9	Paul Bergano	1 Viburnum Place	✓	
10	Olivia Green	36 Ironwood Rd.	✓	
11	Alan Burke	36 Ironwood Rd.	✓	
12	Koussa	42 Ironwood Rd	✓	
13	SEAN PEE	39 Ironwood	✓	
14	Sarah Fee	39 Ironwood Rd	✓	
15	Maria Curcio	17 Juniper Lane	✓	
16	Nadia Mohamed	6 Viburnum Pl.	✓	
17	Andrew Grates	62 Ironwood Rd	✓	
18	Mitch Grates	63 Ironwood Rd	✓	
19	Cheryl	5 Thistle Ct.	✓	
20	John	46 Ironwood Rd.	✓	
21	R. Colantoni	43 Ironwood	✓	
22	John	13 Ironwood Rd	✓	
23	Mike	Mike Stewart	✓	
24	Carl	Carlton Stewart	✓	
25	Nicholas	Marshall Stewart	✓	
26	Ralph	64 Ironwood Road	✓	
27	Mike	28 Ironwood Road	✓	

Circulator: Joe Acquaviva
Address: 104 Viburnum Place
Phone: (315) 735-1109
E-Mail: acquaviva104@hotmail.com

STOP SIGN PETITION

We, the undersigned residents of south woods
do hereby petition the Town of New Hartford to install a four way STOP SIGN at the
intersection of Viburnum Road & Iron Wood RD.

[illegible]

Circulator: _____
Address: _____
Phone: _____
E-Mail: _____

STOP SIGN PETITION

We, the undersigned residents of south woods
do hereby petition the Town of New Hartford to install a four way STOP SIGN at the
intersection of Viburnum Road & Iron Wood RD.

[illegible]

Circulator: Paul M. Ciccone
Address: 18 Irving Lane
Phone: 315-888-2916
E-Mail: _____

STOP SIGN PETITION

We, the undersigned residents of south woods
do hereby petition the Town of New Hartford to install a four way STOP SIGN at the
intersection of Viburnum Road & Iron Wood RD.

	NAME (Signature)	ADDRESS	Agree	Disagree
1	Paul Miscone	18 S. Iron Wood Court	(S)	
2	John Pannone	29 Ironwood Rd	Yes	
3	Chris Tuos	1 Juniper Lane	Yes	
4	R. Trocett	6 Juniper Ln	Yes	
5	Maaz Elazzazi	6 Viburnum Pl	Yes	
6	Charlie Scapar	8 Viburnum Pl	Yes	
7	Shannon Mische	20 Silver Birch Ct	J.M.	
8	Mike P...	10 Ironwood Rd	Yes	
9	Chris O'Neil	12 Ironwood Rd	A.A.-1	
10	Paul ...	21 Ironwood Rd	Yes	
11	Mike ...	23 Ironwood Rd	Yes	
12	...	5 Viburnum Rd	Yes	
13	...	30 Ironwood Rd	Yes	
14	Mike ...	104 Viburnum Lane	Yes	
15	Beverly ...	102 Viburnum Lane	B.G.	
16	...	3 Viburnum Pl	Yes	
17	John ...	7 Ironwood Rd	Yes	
18	John ...	11 Viburnum Lane	Yes	
19	Mary ...	16 Juniper Lane	Yes	
20	John ...	25 Juniper Lane	Yes	
21	Elaine ...	9 Ironwood Rd	Yes	
22	Kevin ...	9 Ironwood	Yes	
23	Victor ...	14 Ironwood	Yes	
24	...	12 Ironwood	Yes	
25	John Scapar	8 Viburnum Place	Yes	

Circulator:

Paul Miscone

Address:

18 Juniper Lane

Phone:

315-868-2986

E-Mail:

From: Rianna Lazzaro
Subject: Your South Woods Neighbor
Date: Jul 8, 2020 at 11:23:38 AM
To: Miscione, Paul paul.miscione@state.nh.us

Good Morning Paul!

I am emailing you on behalf of myself, Rianna Lazzaro and my husband Paul Lazzaro. I was disappointed to hear we missed you last night when you stopped by our home located at 1 Viburnum Place. My mom was at our home watching our 2 children, John Paul (11) and Ella (8). She notified me you stopped by with a petition in support of the 2 new stop signs that were placed at our corner. I was extremely saddened and upset to hear that a fellow neighbor had a complaint about the stop signs that were recently placed.

I originally spoke to Herb Cully back in late March early April about the idea of these stop signs being placed. Once our children were out of school due to COVID and were home much more frequently-no school, activities, sports etc., we realized our corner was a big problem. We have witnessed with our own eyes many people speeding through this corner, especially coming from Valley View onto Ironwood, not paying attention to the cross section of Viburnum Place. There are many children in our neighborhood that walk, run, bike ride, roller blade etc. When coming down Viburnum Place (moving north), it is very difficult to see cars on Ironwood (driving west), and vice versa. We believe these stop signs were much needed. They give us a little more peace of mind that there is a less chance of, not only our 2 children but many others in our neighborhood, of getting badly hurt or worse.

On another note, one of our neighbors informed us recently of a very unfortunate event that took place years ago. This neighbor witnessed a child struck by a car at that very corner. I can not imagine if this happened to any one of our children and think it is necessary to go above and beyond to do anything in our power to protect our children.

My husband and I, as well as many other neighbors, are in full support of these stop signs. I will do anything in my power to be a voice for the protection of our children. Please let us know if there is anything you need, or anything we can do

to help this cause. The thought of one of our neighbors being against these stop signs angers me. Taking the time to stop at our corner can help save a life.

Thank you for taking the time to read this. Please feel free to reach out anytime!

Sincerely,

The Lazzaro Family

Paul, Rianna, John Paul and Ella

--

Rianna Lazzaro

Assist2Sell Buyer's & Seller's 1st Choice

Licensed Real Estate Salesperson

Office: 315-735-9244

Mobile: 315-525-4430

Fax: 315-507-2865

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Visit our website: www.assist2sellcny.com

Follow us on Twitter: [twitter@Assist2SellCNY1](https://twitter.com/Assist2SellCNY1)

8-5-2020

SIGN IN SHEET

8-5-2020

NAME

ADDRESS

PHONE

EMAIL

SPEAKING Y/N

15. Jennifer Lajewski

16. Riana Mazzaro

17. Ella Mazzaro

18. John Paul Mazzaro

19. Victor Pearlman

20.

21.

SIGN IN SHEET

8-5-2020

NAME	ADDRESS	PHONE	EMAIL	SPEAKING Y/N
8. Jack Mung...				
9. Eva Pearlman				
10. Anna Pearlman				
11. Jennifer Gimenez Seaparo				
12. Mia Seaparo				
13. Sophia Seaparo				
14. Charlie Seaparo				

SIGN IN SHEET

8-5-2020

NAME

ADDRESS

PHONE

EMAIL

SPEAKING Y/N

1. Suzanne Jernigan

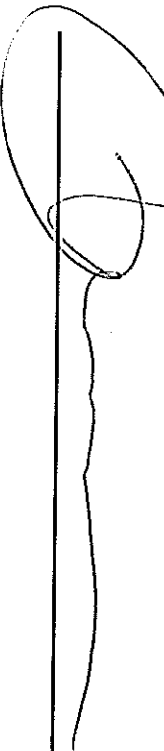
2. Kimberly Jernigan

3. ~~Kimberly Jernigan~~

4. Dan McNeill

5. Julie Regan

6. Amy Jernigan

7. 

Brindisi, Murad & Brindisi Pearlman, LLP

Attorneys and Counselors at Law

Louis T. Brindisi*
Anthony A. Murad
Eva Brindisi Pearlman**

2718 Genesee Street
Utica, New York 13501

Michele Noti, Paralegal

Telephone: 315-733-2396
Facsimile: 315-733-7933
Facsimile: 315-624-7726

*also admitted in Florida
**also admitted in VA, MD & DC

July 30, 2020

*VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED AND
VIA EMAIL at pmiscione@townofnewhartfordny.gov*

Mr. Paul A. Miscione
New Hartford Town Supervisor
8635 Clinton Street
New Hartford, NY 13413

Re: 4-Way STOP sign at Ironwood Road at Viburnum Lane/Viburnum Place

Dear Town Supervisor Miscione:

I am writing to you as a concerned resident of the South Woods Community. I have lived at 103 Viburnum Lane for 23+ years, since March of 1997; and, as such, I am very familiar with the intersection of Ironwood Road and Viburnum Lane. I live south of that intersection, within a 500 feet radius. I want to thank you for taking the initiative to install the 4-Way STOP signs at this intersection as it was greatly needed to protect the safety of the children in our neighborhood.

Over the 23+ years that I have lived in South Woods, I have personally witnessed hundreds of children and adults walking past my home or riding down the hill on bicycles or skateboards in a northerly direction on Viburnum Lane traveling towards the STOP sign at its intersection with Ironwood Road, which is a blind intersection and difficult to see vehicles traveling in a westerly direction on Ironwood Road. This occurs often, weather permitting, especially during the spring, summer and fall months. Attached are three photographs depicting the view for vehicular and pedestrian traffic as they are traveling down the hill in a northerly direction on Viburnum Lane and approaching the STOP sign (barely visible) at the intersection with Ironwood Road.

I have also traveled, countless times over the years, along Ironwood Road, in a westerly direction, after turning into the South Woods development from Valley View Road. Likewise, this is a troublesome intersection for vehicles traveling westerly on Ironwood Road to see vehicular and pedestrian traffic over and along Viburnum Lane to the south of this intersection. Attached are two photographs depicting the view for motorists as they approach the newly installed STOP sign on Ironwood as they travel in a westerly direction, which has limited sight distance to the south of said intersection.

As a resident of the South Woods Community, who lives closely nearby this intersection, I have directly witnessed numerous "*near misses*" of accidents involving children riding down the hill on Viburnum Lane at its intersection with Ironwood Road. I have also seen numerous vehicles on Ironwood Road travelling too fast (in my opinion) for our neighborhood that has a dense child population. I firmly believe the 4-Way STOP sign at this intersection is the *only* way to get drivers to slow down *and* protect the many children traveling down the hill at this blind and dangerous intersection.

In the past, I have personally notified the Town of New Hartford of this dangerous intersection and the hazard it poses to the residents who live within the South Woods community and have requested that a STOP sign be installed. My plea was ignored until recently when you acted to protect the residents of South Woods, for which I am very grateful.

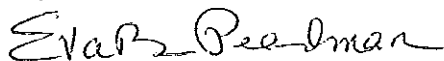
I had the opportunity to watch a Town Board meeting that took place on July 22, 2020 that was posted to the Town's Facebook page. I was shocked and appalled to listen to two South Woods residents, Mr. Jerry Donovan and Mrs. Linda Flihan (who live on Silver Birch Court and not even in the direct vicinity of this intersection) offer statements opposing the 4-Way STOP signs being erected and even giving ridiculous and unsubstantiated opinions that it is the "*children's fault*" or the children in the neighborhood are being "*irresponsible*". They had the nerve to blame the children, which is dumbfounding.

I cannot even fathom the horror of having to tell a parent in our neighborhood that their son or daughter was killed at this intersection, and we all knew it was a dangerous intersection but did nothing to remedy the hazard or prevent their child's death. Would Mr. Donovan or Mrs. Flihan actually want to tell the parents of a dead child "*Sorry your child is dead, but it was their fault*" or they were the people who opposed the 4-Way STOP sign that could have saved the child's life? I would hope not.

It is my position that the Town has been on notice for years of this dangerous intersection and, as such, is obligated to pass the necessary law to make the 4-Way STOP signs, permanent, at Ironwood Road and Viburnum Lane/Viburnum Place, in the South Woods development. However, once again, I am placing you on *formal written notice* of this hazardous intersection; and, in the event that the Town fails to pass a law making this 4-Way STOP sign permanent, they may face *legal liability* in connection with any accidents that occur for its failure to take action to protect its citizens from the risk of serious injury or death.

If you would like to discuss any of the above with me personally, I am happy to do so.

Very truly yours,



EVA BRINDISI PEARLMAN

EBP/bls

Enclosures

Cc: Herbert J. Cully, Esquire - *via certified mail/return receipt requested and email at firm@callilaw.com*

Ms. Gail Wolanin Young, Town Clerk - *via certified mail/return receipt requested and email at gyoung@townofnewhartfordny.gov*

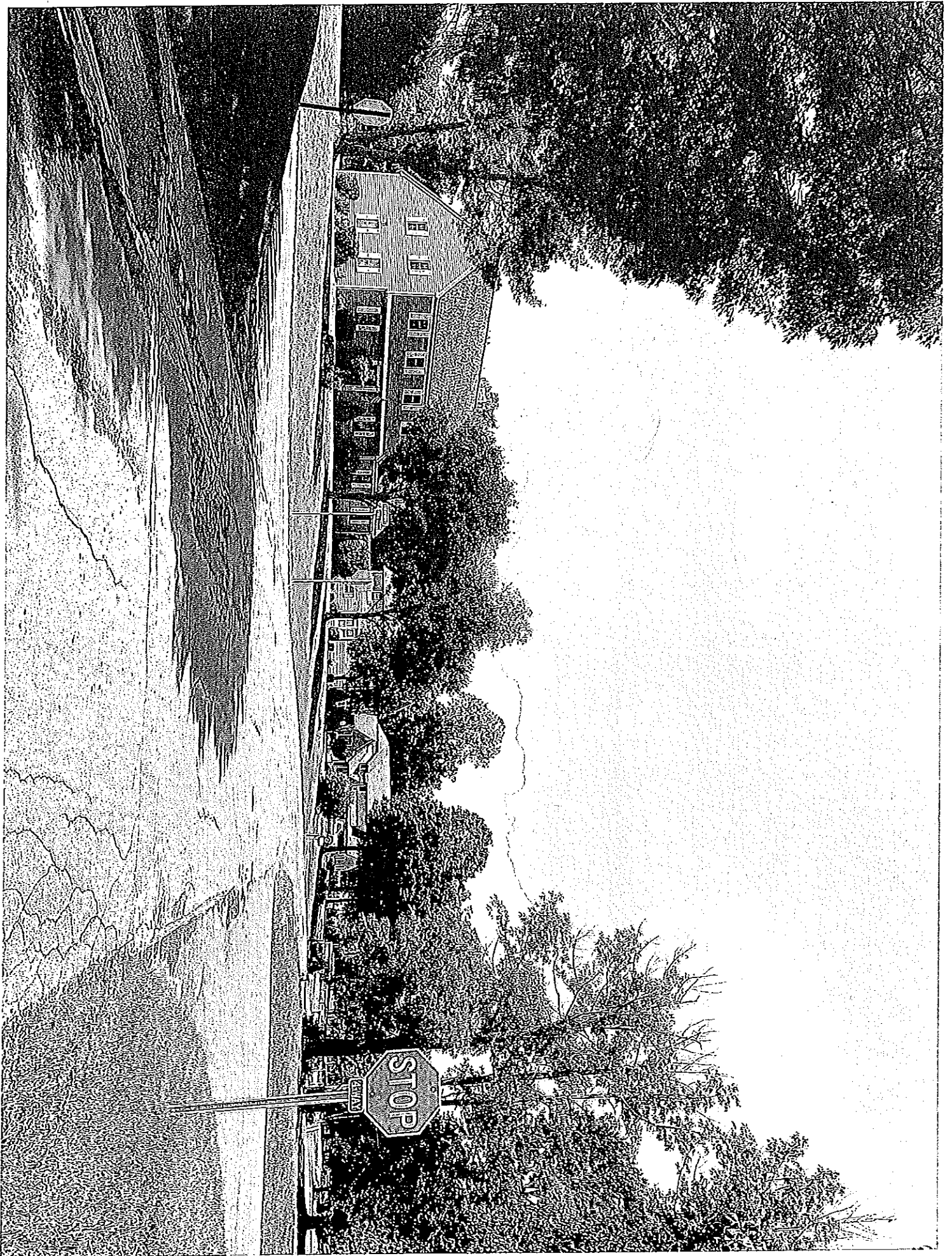
Mr. Richard Sherman, Highway Superintendent -
via certified mail/return receipt requested and email at rsherman@townofnewhartfordny.gov

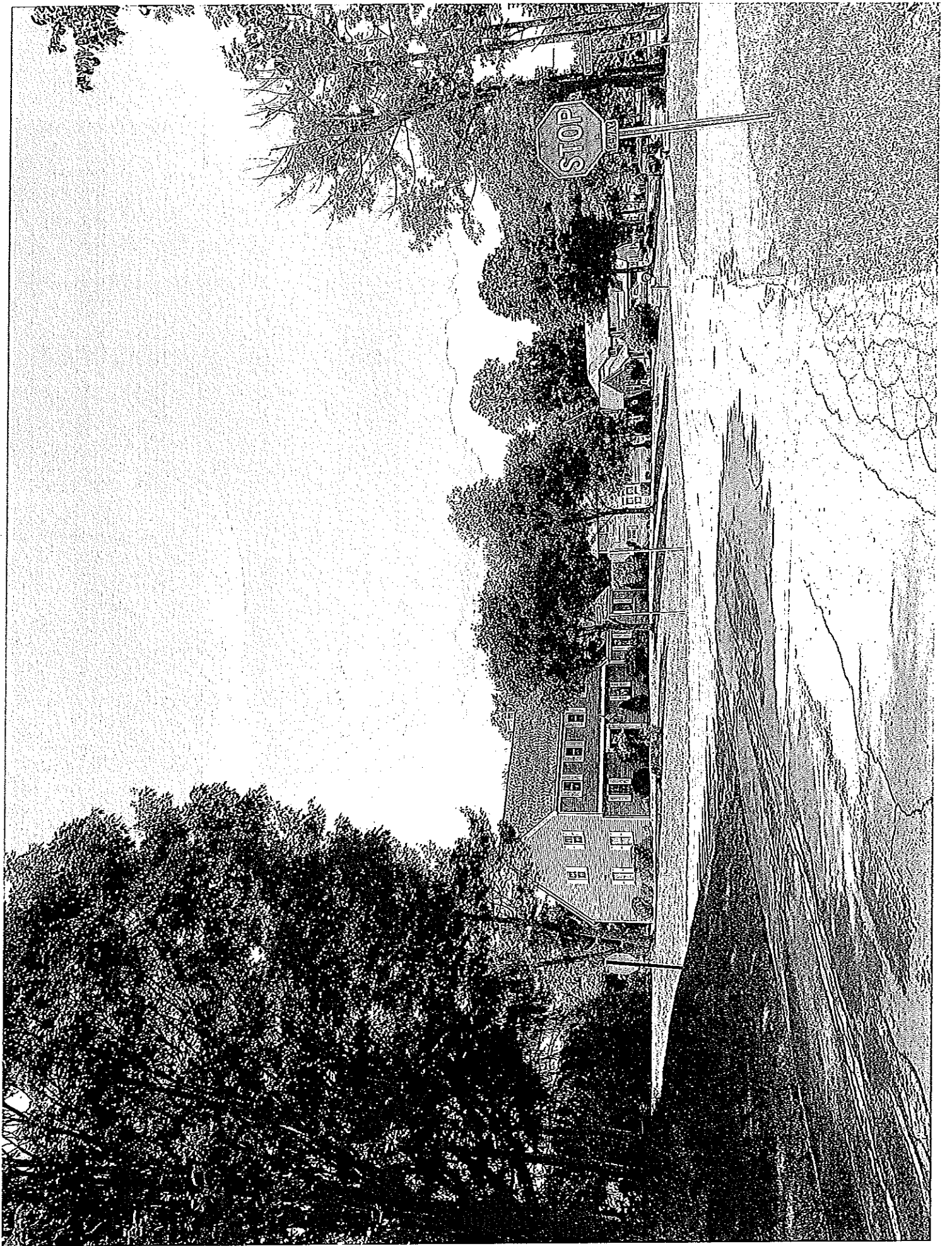
Mr. James J. Messa, Council Member, Ward 1 -
via email only at jmessa@townofnewhartfordny.gov

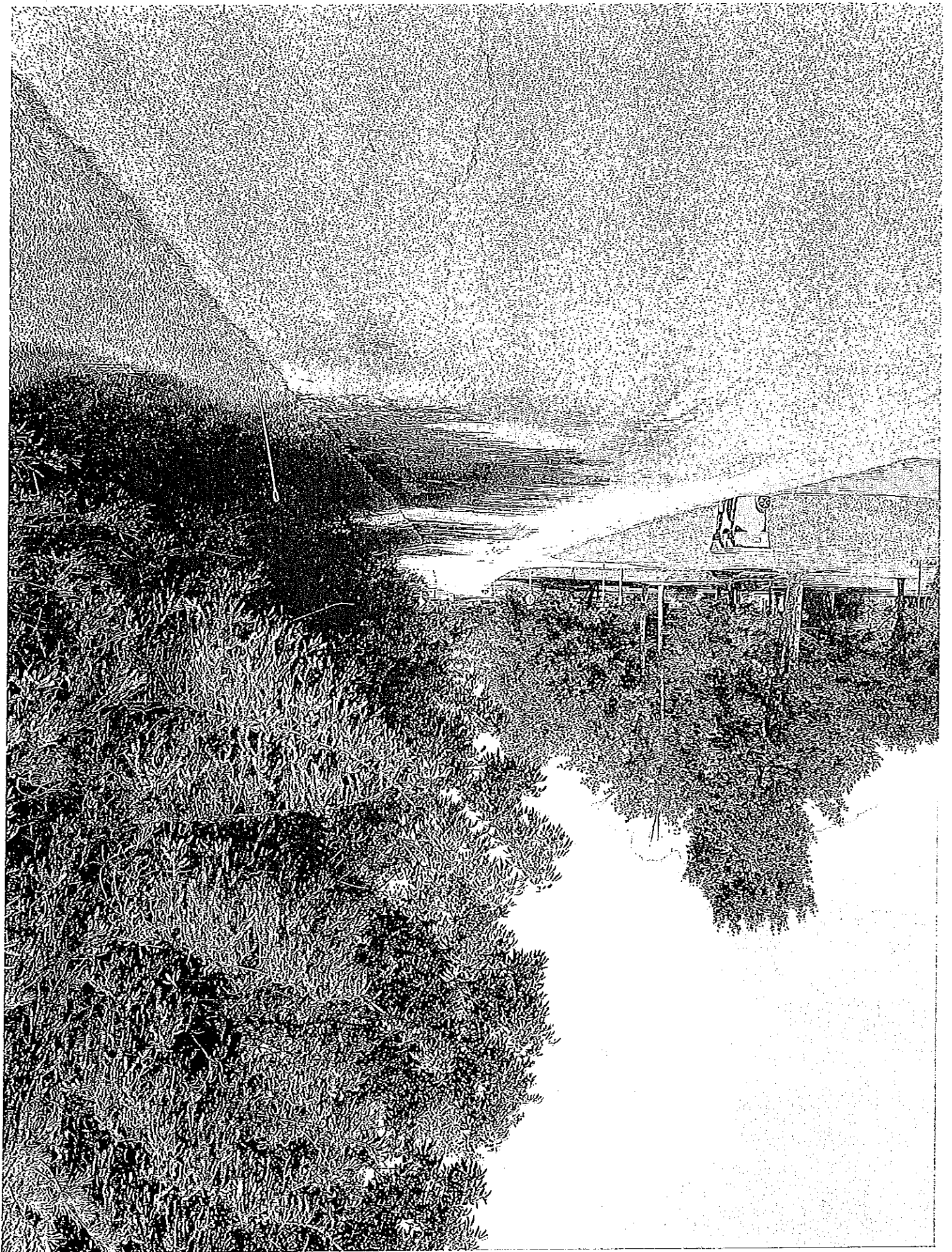
Mr. Richard Lenart, Council Member, Ward 2 -
via email only at rlenart@townofnewhartfordny.gov

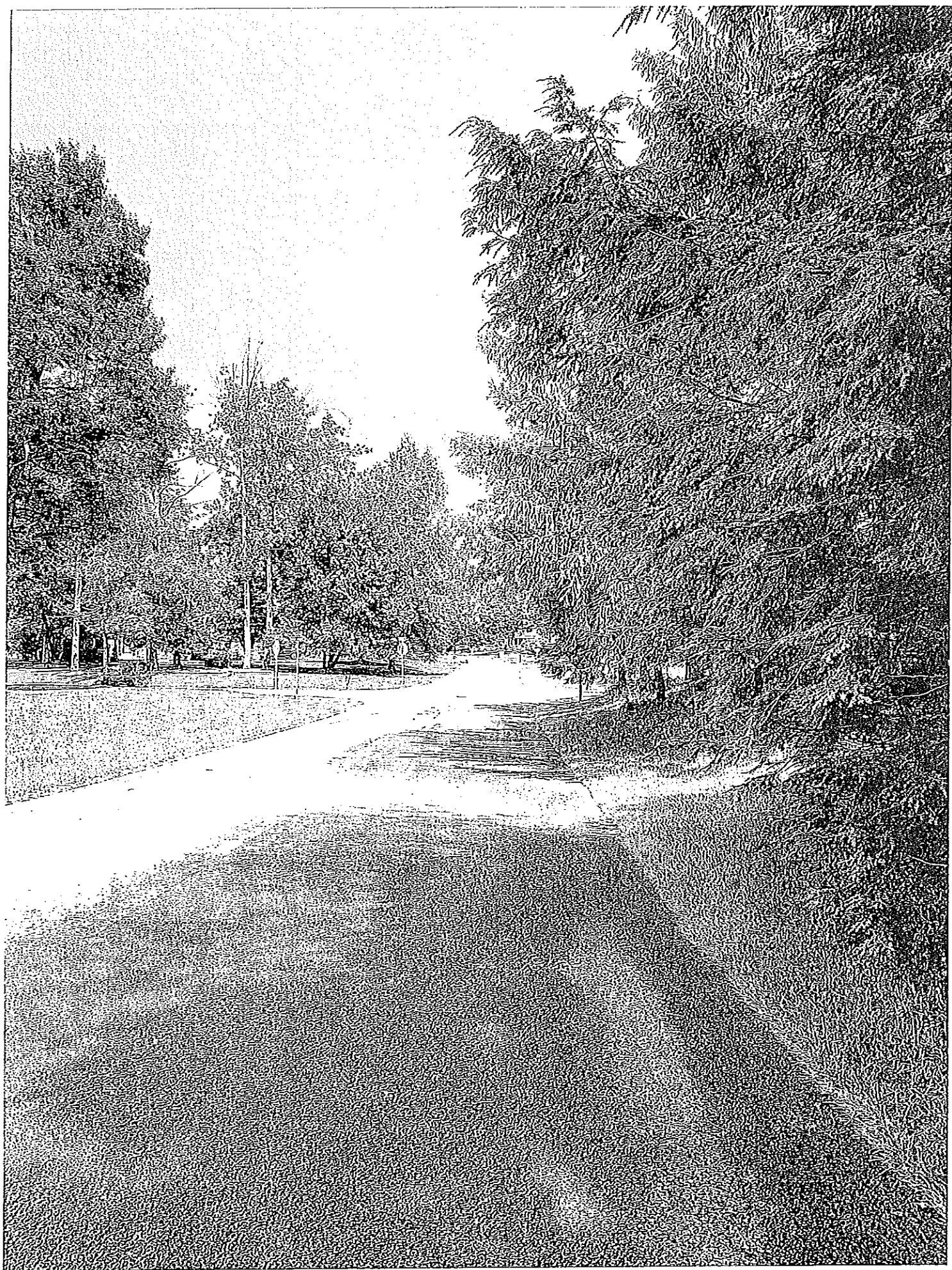
Mr. David M. Reynolds Council Member, Ward 3 -
via email only at dreynolds@townofnewhartfordny.gov

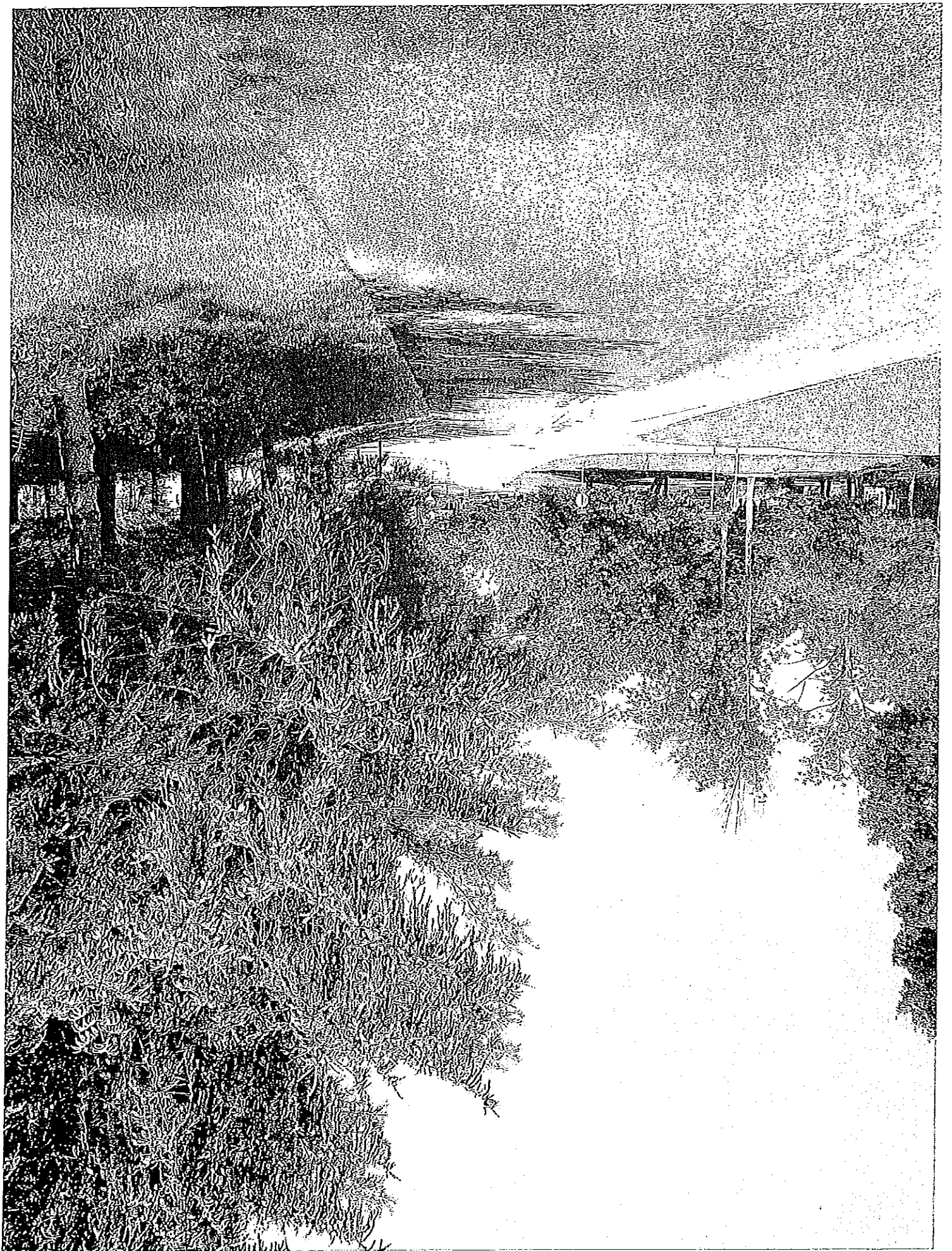
Mr. Rich Woodland, Council Member, Ward 4 -
via email only at woodland@townofnewhartfordny.gov













7015 1730 0000 9104 7171

Brindisi, Murad & Brindisi Pearlman, LLP
2713 Genesee Street
Utica, NY 13501

TO:

Mr. Paul A. Miscione
New Hartford Town Supervisor
8635 Clinton Street
New Hartford, NY 13413



RECEIVED

AUG 05 2020

10:25 AM

TOWN OF NEW HARTFORD
NEW YORK

Received
From
Supervisor
Miscione